



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Economic Services Administration
Division of Child Care and Early Learning
P.O. Box 45480, Olympia, Washington 98504-5480

March 14, 2005

TO: Child Care Interested Parties

FROM: Joel Roalkvam, Administrator
Licensing Policy
Division of Child Care & Early Learning

SUBJECT: RECORDING LICENSING VISITS

Summary of Changes

The Division of Child Care and Early Learning (DCCEL) permits recording of licensing visits. Some conditions are imposed to protect the privacy of child care providers and the children entrusted to their care, and to protect the integrity of complaint investigations and the licensing process.

History & Concerns

DCCEL allows recording of licensing visits. For the sake of this memorandum, recording includes, but is not limited to, both video and audio recording. DCCEL's concerns over recording licensing visits are the following:

- If a provider is recording the visit and attending to a camera or operating a voice recorder, the children may not be supervised in a manner that is consistent with licensing regulations.
- One of the licenser's job functions is to observe the provider interacting with the children in care. If the provider is involved in recording a licensing visit, the observation of normal provider/child interactions cannot take place.
- Some parents may not want their children photographed for security, privacy, or personal reasons. Similarly, some child care personnel (assistants) may not want to be photographed.
- Complaint investigations, especially DLR/CPS and/or law enforcement investigations, often contain confidential interviews with providers, assistants, family members, and the children in care.
- Licensing visits and complaint investigations sometimes include discussions with the provider or assistants about the behavior of specific children. Any improper release or distribution of such a recording would impact the privacy rights of the child, family, and child care staff.
- Recording media (both audio and visual) can easily be altered to misrepresent actual events. With the advent of digital media and easy to use software this concern has only increased.

New Procedure

Beginning immediately, recording of licensing visits is permitted. However, to address the concerns listed above, the following conditions apply:

- Licensing visits cannot proceed if recording jeopardizes the supervision of the children or the staff to child ratio.
- Licensing visits cannot proceed if recording interferes with the licensor's function of assessing the interaction between the provider and the children in care.
- The provider must have written permission from the parents to allow their children to be photographed.
- DLR/CPS and/or law enforcement investigations can only be recorded with the permission of the lead investigative agency. DCCEL will defer to the decision of DLR/CPS or law enforcement when they are involved.
- If confidential or sensitive material is discussed during a licensing visit or complaint investigation, the licensor should remind the provider of their responsibility to protect the privacy of the families, children, and their own staff. However, since the provider is the owner of the recording it is ultimately the provider's responsibility to protect the future use of any recording they make and to protect the privacy of the families they serve by carefully controlling the use of any recordings they have made.
- A provider may not refuse to admit a licensor to the premises while they prepare to record a visit. Refusal to admit a licensor for a complaint investigation and/or licensing visit is a violation of licensing regulations under WAC 388-295-0100, WAC 388-295-0450, and WAC 388-151-090 and could result in the revocation of the child care license. If a provider intends to record licensing visits, they must be prepared to record when the licensor arrives (including unannounced monitor visits and complaint investigations).

If a licensor determines the recording is interfering with the licensing visit, the licensor should end the visit and re-schedule for a later date. For example, if recording is preventing an accurate assessment of the provider/child interaction, or if the provider is unable to remain within staff-to-child ratio, the licensor should re-schedule the licensing visit. Complaint investigations may not be delayed.

Because of the possibility for recording media to be altered, DCCEL reserves the right to amend this policy at any time if altered or edited recordings surface or if recordings are used in a manner that would violate the safety of the children in care, the safety of DSHS personnel, or the integrity of the licensing process.

If you have any questions about this procedure, please contact the Policy Unit.
Thank you.

cc: Rachael Langen